

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Common Carrier Bureau Seeks)	
Comment on the Pennsylvania)	CC Docket No. 96-98
Public Utility Commission's Petition)	DA 00-281
For Delegation of Additional Authority To)	NSD File No. L-99-101
Implement Number Conservation Measures)	

To: Chief, Common Carrier Bureau

COMMENTS OF NEXTEL COMMUNICATIONS, INC.

I. INTRODUCTION

Pursuant to the February 14, 2000 Public Notice of the Federal Communications Commission ("Commission"),¹ Nextel Communications, Inc. ("Nextel") respectfully submits these Comments on the Petition of the Pennsylvania Public Utility Commission ("PA PUC") seeking additional delegated authority to implement various number conservation measures. To the extent discussed herein, Nextel opposes the Petition of the PA PUC.

II. BACKGROUND

Pursuant to the Memorandum Opinion and Order on Reconsideration in CC Docket No. 96-98 ("the Pennsylvania Numbering Order"),² the

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¹ Public Notice, "Common Carrier Bureau Seeks Comment on the Pennsylvania Public Utility Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures," DA 00-281, released February 14, 2000 ("Public Notice").

² Memorandum Opinion and Order, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42 (September 28, 1998).

Commission granted limited additional authority to states to implement telephone number conservation measures. In that Order, the Commission also permitted states to file petitions seeking additional authority on a case-by-case basis to implement various measures intended to conserve telephone numbers. In response to that invitation, several states submitted petitions, and beginning in September 1999, the Commission granted those states additional authority to, among other things, implement thousand block number pooling trials.

In its December 27, 1999 petition, the PA PUC seeks even broader number conservation authority to (1) mandate 1,000-block number pooling; (2) establish utilization thresholds at NXX and/or 1,000 block levels; (3) mandate NXX code sharing; (4) reclaim unused and reserved NXX codes; (5) order the return of NXXs or portions thereof; (6) implement new rationing procedures; (7) order local number portability ("LNP")-capable carriers to employ unassigned number porting and individual number porting; (8) order carriers to expand deployment of LNP; and (9) implement service or technology-specific overlays.

Because the PA PUC does not specifically state in its Petition whether these proposals would apply to wireless carriers, it is unclear to Nextel whether it would be subject to the additional number conservation requirements. To the extent that the PA PUC intends to impose any of the proposals that require LNP capabilities, i.e., 1,000 block pooling, code

sharing, unassigned number porting, and individual telephone number porting, to wireless carriers, Nextel opposes the Petition. With respect to the remaining proposals in the Petition, Nextel opposes them to the extent discussed below. Moreover, rather than continuing to engage in these piecemeal decisions, the Commission should act on the issues in the Number Resource Optimization proceeding,³ and then permit the states to impose number conservation measures consistent with its conclusions therein.

III. DISCUSSION

Nextel limits its comments herein to the PA PUC's proposals to impose utilization thresholds at the NXX and/or 1,000 block level, reclaim unused and reserved NXX codes, order new rationing procedures, order carriers to expand their deployment of LNP, and implement service or technology-specific area code overlays.

With respect to the Commission's proposal to impose minimum fill rates at the 1,000 block level, Nextel opposes the Petition. Given that wireless carriers cannot participate in pooling at this time and, therefore, cannot contribute 1,000 blocks to the "pool" for purpose of 1,000 block assignments, there is no public interest benefit to mandating fill rates on a thousand block level.

The PA PUC's attempt to obtain additional authority to ration telephone numbers prior to implementing a new area code relief plan is

³ See Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 99-122, released June 2, 1999.

directly at odds with the Commission's conclusions in the Pennsylvania Numbering Order. Therein, the Commission stated that rationing could only be imposed once a relief plan is in place.⁴ Thus, the PA PUC's request herein is beyond the scope of delegated authority, could result in carriers' inability to obtain telephone numbers when they are needed and should, therefore, be rejected by the Commission.

The PA PUC states in its Petition that it needs authority to require carriers "to expand deployment of LNP."⁵ Again, it is unclear in the Petition whether this is intended to "expand" LNP deployment to wireless carriers or merely require LNP-capable carriers to broaden the scope of their LNP deployment. To the extent the PA PUC is attempting to impose LNP requirements on wireless carriers inconsistent with the Commission's LNP rules, the request should be rejected. Pennsylvania has no authority to require LNP capabilities of wireless carriers prior to the LNP deadlines established by the Commission.

The PA PUC also seeks additional authority to reclaim unused NXX codes that are not activated within six months of their assignment. If a carrier – wireless carrier, local exchange carrier or competitive local exchange carrier – has not activated a code within six months of its assignment, it should be reclaimed and reassigned to another carrier seeking

⁴ Pennsylvania Numbering Order at paras. 24-26.

⁵ Petition at p. 16.

additional telephone numbers. This authority should be restricted, however, to the North American Numbering Plan Administration, not the PAPUC.

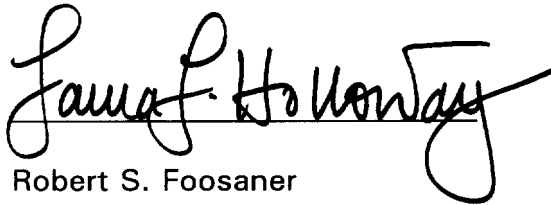
Finally, Nextel does not oppose the PA PUC's proposal to implement service and technology-specific area code overlays *to the extent* they are implemented on a prospective basis only. If the PA PUC attempts to impose such an overlay on a retroactive basis, thus requiring the return of telephone numbers previously assigned to customers, the result will be an anti-competitive impact on the industry singled out by the service/technology-specific area code. One group of competitors cannot be required to take back numbers from its customers and then reassign them telephone numbers in the new area code while other groups of competitors have no similar obligation. The result would be discriminatory and anti-competitive in violation of the Telecommunications Act of 1996.

IV. CONCLUSION

To the extent discussed herein, Nextel opposes the Petition of the PA PUC for additional numbering authority. Rather than continue to grant states additional delegated authority on a case-by-case basis, the Commission should await the outcome of its Number Resource Optimization proceeding

and apply similar number conservation rules and requirements across all 50 states.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert S. Foosaner", written over a horizontal line.

Robert S. Foosaner
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Senior Director – Government Affairs

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Director – Government Affairs

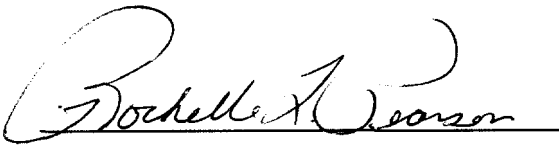
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Date: March 14, 2000

CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 14th day of March, 2000,
caused a copy of the attached Comments of Nextel Communications, Inc.,
to be served by hand delivery to the following:

Al McCloud
Network Services Division
Federal Communications Commission
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Washington, DC 20554

A handwritten signature in cursive script, reading "Rochelle L. Pearson", written over a horizontal line.

Rochelle L. Pearson